

Remarks

The present application includes claims 1-4 and 6-23. Claims 1-4 and 6-23 have been rejected by the Examiner. By this Response, claims 1, 3, 4, 14, 17, 20, 21, and 22 have been amended, and claim 23 has been canceled.

Independent claims 1, 14, 17, 20, 21, and 22 have been amended to recite that each prize set has a different volatility based on a distribution of winning and non-winning outcomes and prize amounts in each of the different prize sets. As recited in claims 1 and 14, even though each prize set has a different volatility, the total theoretical return to the player is the same regardless of the prize set the player chooses. Claim 3 has been amended to eliminate the multiple dependency, and claim 4 has been amended to specify that one or more of the prize sets includes a plurality of non-winning outcomes. The Applicant respectfully submits that the cited art of record fails to disclose at least these limitations. Therefore, for at least these reasons, the Applicant requests allowance of independent claims 1, 14, 17, 20, 21, and 22, as well as their associated dependent claims 2-4, 6-13, 15-16, and 18-19.

Claims 1-4, 6-13, 17, and 20-23 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Baerlocher (US 6,776,711 B1) (hereinafter Baerlocher '711) in view of Baerlocher et al. (US 6,569,015 B1) (hereinafter Baerlocher '015). (Although the rejection only mentions claim 1 initially, the Applicant assumes from the remainder of the rejection that the Examiner intended to include claims 2-4, 6-13, 17, and 20-23 in

this rejection and has responded accordingly.) The Applicant respectfully traverses this rejection for at least the reasons discussed below.

Baerlocher '711 relates to providing a multi-level bonus round having a plurality of random generations for bonus award. See, e.g., Abstract. Each of level of play in the bonus round includes a plurality of random generation mechanism. See, e.g., col. 3, lines 26-29. Each level of the Baerlocher '711 multi-level bonus round includes a different average award value and risk of termination. See, e.g., col. 3, lines 29-31. In Baerlocher '711, bonus awards are hidden or masked as tiles (see, e.g., Fig. 1) for the player to select. See, e.g., col. 3, lines 52-58. As the player advances through levels of the multi-level bonus, the average award value and risk of termination increase. See, e.g., col. 3, lines 26-34; col. 7, lines 50-69; and Fig. 3.

As discussed in the Office Action, Baerlocher '711 does not disclose that the prize outcomes of each prize set are displayed to the player prior to the player selecting a prize set. As recited in the pending claims of the present application, a player is presented with two or more prize sets whose possible outcomes are displayed to the player. Rather than spread risk and reward across multiple levels based on hidden, random awards as mentioned in Baerlocher '711, the presently pending claims provide the relative risk and reward visibly to the player at the start and offer the player the opportunity to select a prize set. Thus, the player himself/herself is able to debate the relative risk and reward in a particular prize set and select a particular prize set for pursuit. Providing such information to the player is not simply a design choice and provides an added element of entertainment, strategy and control to the player not found in prior gaming systems. The bonus outcome relates to the prize set chosen by the player.

Additionally, as recited in independent claims 1 and 14, although the various prize sets have varying volatility, the prize sets are configured such that the total theoretical return to the player is the same regardless of the prize set the player chooses. Thus, for example, one prize set may include large winning prize outcomes and several non-winning prize outcomes while another prize set may include several average winning prize outcomes with few non-winning prize outcomes (see, e.g., Fig. 8 of the present application). However, the total theoretical return of the different prize sets is the same.

Thus, the player is able to make a personal judgment of risk versus reward and game activity is governed by that choice. Such a system is lacking in the random, multi-level, obscured-bonus system of Baerlocher '711.

Similarly, Baerlocher '015 relates to a bonus scheme providing a player with an initial offer including a value and multiplier. See, e.g., Abstract and col. 2, lines 45-46. The player can keep the offer or gamble to change either the value or the multiplier. See, e.g., Abstract and col. 2, lines 46-48. If the player decides to change, the game randomly generates a new value or multiplier. See, e.g., Abstract and col. 2, lines 48-50. The player then has one more chance to keep the new offer or to change one more time. See, e.g., Abstract and col. 2, lines 50-53. The bonus then adds the amount of the final offer to the player's gaming device credit, and the player resumes normal play. See, e.g., Abstract and col. 2, lines 53-57.

Thus, in Baerlocher '015 the player is not provided with all of the information and possibilities up front and is truly gambling without any knowledge of potential risk versus reward. The player is not allowed to view and then select among a plurality of prize sets with varying volatility, as recited in the pending claims of the present

application. Additionally, the random bonus scheme of Baerlocher '015 does not ensure that the various prize sets have the same total theoretical return, as recited in independent claims 1 and 14. Baerlocher '015 doesn't even disclose a plurality of prize sets but rather has a single random prize "set" that is hidden from the player.

As discussed in the present application, the prize sets presented to the player have different prizes in them, and, although each prize set may have duplicates of the prizes in the prize set and may repeat the prizes in the second or further prize sets, overall the prize sets are not identical to one another.

The configuration of prizes in the prize sets affects the volatility of the game and prize award. One or more of the prize sets may include non winning prize outcomes, and, including the non winning prize outcomes, each prize set has the same number of potential outcomes.

In certain embodiments, the prize sets vary from a relatively even distribution of relatively small prizes to sets where one or more large prizes may be won but which include a relatively large number of zero or consolation prize outcomes. Hence, if the player is conservative, that will permit them to choose a prize set having a set of possible outcomes that will be guaranteed or almost guaranteed to result in that player winning a prize, even if that prize may be relatively small. A more aggressive player may choose a prize set which presents an opportunity of winning much larger prizes, but a much greater chance that the player will win nothing at all or only a consolation prize.

Such a gaming system is neither taught nor reasonably suggested by a combination of Baerlocher '711 and Baerlocher '015.

Therefore, for at least the reasons discussed above, the Applicant respectfully submits that independent claims 1, 14, 17, 20, 21, and 22 should be allowable over the cited art of record.

Additionally, the Applicant submits that related dependent claims 2-4, 6-13, 15-16, and 18-19 should be allowable over the cited art of record. For example, as discussed in the Office Action with respect to claims 10, 11, and 18, Baerlocher '711 does not disclose presenting the sets of prizes on three dimensional objects or simulations thereof defining faces which the sets of prizes being presented on the faces of those objects are arranged to spin or turn to simulate spinning or turning before stopping to show or indicate a face of the object which defines the prize won by the player. Such presentation is not merely a design choice but adds excitement, entertainment and an appearance of surprise to the game. Regarding claim 12, the Office Action notes that Baerlocher '711 does not disclose presenting each prize set differently. Again, different presentation of each prize set adds to the excitement, entertainment and surprise of the game and may affect which prize set is selected by the player. Regarding claim 13, as noted in the Office Action, Baerlocher '711 does not disclose the sets of prizes are presented on representations of board games with the player choosing which board they wish to play and wherein a random selection indicates the number of squares around the selected board that the player will move with the square on which the player lands being the square that defines the prize outcome. Again, such a representation adds to the entertainment value and playability of the game and should represent a patentable improvement over existing gaming machine configurations.

Claims 14-16 and 19 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Baerlocher '711, Baerlocher '015, and further in view of Baerlocher et al. (US 5,788,573) (hereinafter Baerlocher '573). The Applicant respectfully traverses this rejection for at least the reasons discussed below.

As discussed above, a combination of Baerlocher '711 and Baerlocher '015 fails to teach or reasonably suggest the combination of limitations found in the independent claims of the present application, including claim 14, from which claims 15-16 and 19 depend. Simply introducing the wheels of Baerlocher '573 fails to cure the deficiencies found in Baerlocher '711 and Baerlocher '015 with respect to claim 14.

As discussed in prior responses, Baerlocher '573 is directed to a wheel of fortune game "which is compatible with small prize odds such as odds of one in one million or more." See, e.g., col. 4, lines 45-50. One of the methods used to achieve this is to provide a "hierarchy of wheels of fortune wherein the result from one wheel spin has an effect on the other wheel spin... providing odds of winning the grand prize which is a product of the odds on two or more different spins and thus diminishing the overall odds." See, e.g., col. 2, lines 49-56.

As mentioned in the Office Action, Baerlocher '711 and Baerlocher '015 do not disclose that the selected wheel is enlarged relative to any non-selected wheels. Regarding claim 16, as noted in the Office Action, Baerlocher '711 does not disclose that one prize set contains one or more prize outcomes which are identical to one or more other prize outcomes in that one prize set. Regarding claim 19, as noted in the Office

Action, Baerlocher '711 and Baerlocher '015 do not disclose any non-selected wheels disappear from the display when the selected wheel is enlarged.

Thus, for at least the reasons discussed above, the Applicant respectfully submits that claims 14-16 and 19 should be allowable over the cited art of record.

CONCLUSION

It is submitted that the present application is in condition for allowance and a Notice of Allowability is respectfully solicited. If the Examiner has any questions or the Applicant can be of any assistance, the Examiner is invited and encouraged to contact the Applicant at the number below.

The Commissioner is authorized to charge any additional fees or credit overpayment to the Deposit Account of MHM, Account No. 13-0017.

Respectfully submitted,

Date: August 9, 2007

/Christopher N. George/
Christopher N. George
Reg. No. 51,728

McAndrews, Held & Malloy, Ltd.
500 W. Madison Street
34th Floor
Chicago, IL 60661
Phone (312) 775-8000
Fax (312) 775-8100